

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 455D.7, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 105, “Organic Materials Composting Facilities,” and Chapter 113, “Sanitary Landfills for Municipal Solid Waste: Groundwater Protection Systems for the Disposal of Nonhazardous Wastes,” Iowa Administrative Code.

“Yard waste” is defined in 567—105.1(1) as “vegetative matter such as grass clippings, leaves, garden waste, brush and trees, and any clean wood waste which is necessary as bulking agent and which is free of coatings and preservatives.” The proposed amendments will allow yard waste to be disposed of in a sanitary landfill when the following circumstances occur:

- When yard waste is collected for disposal as a result of a severe storm and the yard waste originates in an area declared to be a disaster area.
- When yard waste is collected for disposal to control, eradicate or prevent the spread of insect pests, tree and plant diseases, or invasive plant species.
- When yard waste is disposed of in a sanitary landfill that operates a methane collection system that produces energy.

The proposed amendments will also remove the requirement for municipalities that provide for the collection of solid waste to also provide for separate collection of yard waste.

The exemptions to the prohibition of yard waste disposal were added to Iowa Code section 455D.9(1) in 2014 Iowa Acts, Senate File 2212, signed by Governor Branstad on April 3, 2014, and 2015 Iowa Acts, House File 266, signed by Governor Branstad on March 31, 2015. The requirement for municipalities to provide separate collection of yard waste was removed from Iowa Code section 455D.9(2) in 2013 Iowa Acts, House File 225, signed by Governor Branstad on March 28, 2013. The proposed amendments are needed to make changes to existing administrative rules so that they are consistent with the above legislation and the Iowa Code.

Any interested person may submit written comments on the proposed amendments on or before June 14, 2016. Written comments or questions regarding the proposed amendments should be directed to Theresa Stiner, Iowa Department of Natural Resources, 502 East Ninth Street, Des Moines, Iowa 50309-0034; via fax at (515)725-8202; or via e-mail at theresa.stiner@dnr.iowa.gov.

A public hearing will be held on June 14, 2016, at 10 a.m. in the Fifth Floor East Conference Room of the Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa.

Persons attending the public hearing may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to mobility or hearing impairments, should contact the Department of Natural Resources to advise of specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 455D.9.

The following amendments are proposed.

ITEM 1. Amend subrule 105.1(3) as follows:

105.1(3) Burial of yard waste at a sanitary landfill is prohibited. ~~Acceptance of yard waste by a hauling firm or at a transfer station for burial at a sanitary landfill is also prohibited.~~ However, yard waste

~~that has been separated at its source from other solid waste may be accepted by a sanitary landfill for the purposes of soil conditioning or composting. Yard waste accepted by a sanitary landfill for the purposes of soil conditioning shall be used only on finished areas of the landfill that have received the final earthen cover, developed areas with intermediate cover, and restoration of soil borrow areas. Burning of yard waste at a sanitary disposal project is prohibited, except in the following circumstances:~~

~~a. When the yard waste is collected for disposal as a result of a severe storm and the yard waste originates in an area declared to be a disaster area in a declaration issued by the President of the United States or the governor.~~

~~b. When the yard waste is collected for disposal to control, eradicate, or prevent the spread of insect pests, tree and plant diseases, or invasive plant species.~~

~~c. When the yard waste is disposed of in a sanitary landfill that operates a methane collection system that produces energy. A methane collection system that burns landfill gas without using the energy for a purpose other than reducing the amount of methane released is not considered to be a system that produces energy.~~

ITEM 2. Amend subrule 105.1(4) as follows:

105.1(4) Each city and county shall, by ordinance, require persons within the city or county to separate yard waste from other solid waste generated. ~~Municipalities which provide for collection of solid waste shall also provide for separate collection of yard waste.~~

ITEM 3. Renumber subrule **105.1(5)** as **105.1(6)**.

ITEM 4. Adopt the following **new** subrule 105.1(5):

105.1(5) Yard waste that has been separated at its source from other solid waste may be accepted by a sanitary landfill for the purposes of soil conditioning or composting. Yard waste accepted by a sanitary landfill for the purposes of soil conditioning shall be used only on finished areas of the landfill that have received the final earthen cover, developed areas with intermediate cover, and restoration of soil borrow areas. Burning of yard waste at a sanitary disposal project is prohibited.

ITEM 5. Amend subparagraph **113.8(1)“b”(13)** as follows:

(13) Yard waste, ~~except in the following circumstances:~~

~~1. When the yard waste is collected for disposal as a result of a severe storm and the yard waste originates in an area declared to be a disaster area in a declaration issued by the President of the United States or the governor.~~

~~2. When the yard waste is collected for disposal to control, eradicate, or prevent the spread of insect pests, tree and plant diseases, or invasive plant species.~~

~~3. When the yard waste is disposed of in a sanitary landfill that operates a methane collection system that produces energy. A methane collection system that burns landfill gas without using the energy for a purpose other than reducing the amount of methane released is not considered to be a system that produces energy.~~